THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:17-cv-00116-D

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)	ORDER ON PLAINTIFF'S
)	MOTION FOR ATTORNEY FEES
)	UNDER § 406(b) OF THE SOCIAL
)	SECURITY ACT
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Plaintiff's counsel filed a motion for attorney's fees under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$17,517.05. Attorney's fees under 42 U.S.C. § 406(b) are paid from past-due benefits awarded to a successful claimant. Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$5,500.00. Defendant filed an informational response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to review, for reasonableness, the fee agreement between Plaintiff and his attorney.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$_16,000 . Plaintiff's counsel will refund to Plaintiff the smaller of this amount and the EAJA award.

SO ORDERED, this <u>11</u> day of October, 2019.

JAMES C. DEVER III United States District Judge